

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

2016 SEP 21 PM 1:18

UNITED STATES OF AMERICA

NO.

v.

**8-16 CR -4 12 -M**

JIMMY LUIS BRISENO (01)  
RENE N. BARRERA, SR. (02)  
MIKE CANO (03)  
CHRISTOPHER LEE DELEON (04)

**INDICTMENT**

The Grand Jury Charges:

Count One

Conspiracy to Defraud the United States  
(Violation of 18 U.S.C. § 371)

At all times material to the indictment:

**Introduction**

1. The Internal Revenue Service of the Department of the Treasury ("IRS") was an agency of the United States government responsible for the collection of federal income taxes owed by individual taxpayers.

2. Each year, depending on the amount of taxable income, an individual taxpayer was required to file a U.S. Individual Income Tax Return, Form 1040, claiming his or her filing status, taxable income, exemptions, deductions, and showing any tax due or refund if the tax was overpaid.

3. IRS procedures permitted a taxpayer to file a U.S. Individual Income Tax Return, Form 1040 electronically, through a return preparer authorized to transmit the tax return information by electronic data transmission to an approved IRS service center.

4. Before a return preparer submitted an Individual Tax Return, Form 1040, by electronic means, the IRS required that the return preparer apply online with the IRS and request issuance of an Electronic Filing Identification Number (EFIN). An EFIN was a six-digit number assigned by the IRS to someone who claimed to be operating a legitimate business of filing individual income tax returns on behalf of taxpayers. Through issuance of an EFIN, the IRS authorized a business to prepare tax returns and then electronically file these completed tax returns with the IRS on behalf of individual taxpayers.

5. Upon IRS approval of the EFIN application, the requesting return preparer became an Electronic Return Originator (ERO) and was assigned an EFIN which the IRS used to identify and monitor ERO activity.

6. In addition to EFIN's, the IRS assigned Preparer Tax Identification Numbers (PTIN) to registered tax return preparers for identification purposes.

### **Defendants and Related Entities**

7. During the period from at least about January 2011 through April 2013, defendant **Jimmy Luis Briseno** owned and operated the following tax preparation businesses: Tax Genius, dba K & J Tax Service (Tax Genius); and Anchondo Tax Service. Although **Briseno** owned and operated Tax Genius, **Briseno** caused his wife's name to be listed on the IRS EFIN application as the sole owner of Tax Genius. Although **Briseno** also owned and

operated the Anchondo Tax Service, **Briseno** caused his mother's name to be listed on the IRS EFIN application as the sole owner of Anchondo Tax Service. The primary business location for both Tax Genius and Anchondo Tax Service was 111 East Centerville Road, Garland, Texas (Garland office), in the Dallas Division of the Northern District of Texas. However, Tax Genius also operated out of a used car dealership located at 413 North Central Expressway, Richardson, Texas (Richardson office); and at 3522 Gus Thomason Road, Suite 112, Mesquite, Texas (Mesquite office), also in the Dallas Division of the Northern District of Texas.

Business Name	Tax Year(s)	EFIN(s) Used	EFIN Registered To
Tax Genius	2010, 2011	803788, 805159	K.B. (Briseno's wife)
d/b/a K & J Tax Service	2012	807123	
Anchondo Tax Service	2012	808946	M.A. (Briseno's mother)

8. **Rene N. Barrera, Sr.**, defendant, was employed at Tax Genius as a tax return preparer during the early months of 2011. During this period, **Barrera** prepared and submitted tax returns using EFIN 805159. **Barrera** primarily worked as the manager of the Richardson office of Tax Genius, which was co-located with a car lot. **Briseno** trained **Barrera** in how to file false tax returns.

9. **Mike Cano**, defendant, was employed at Tax Genius as a tax return preparer during the approximate period from about January 2011 through March 2012. During this period, **Cano** prepared and submitted tax returns using three different EFIN's during this period. **Cano** primarily worked at the Garland office of Tax Genius. **Briseno** trained **Cano** in how to file false tax returns.

10. **Christopher Lee DeLeon**, defendant, was employed at Tax Genius as a tax

return preparer during the approximate period from about January 2011 through March 2012.

During this period, **DeLeon** prepared and submitted tax returns using EFIN 807123.

**DeLeon** primarily worked at the Garland office of Tax Genius. Both **Briseno** and **Barerra** trained **DeLeon** in how to file false tax returns.

11. **Briseno** caused the IRS to issue four different Electronic Filing Identification Numbers (EFIN's) which were later used as part of the conspiracy to defraud the United States, as follows:

EFIN No.	Registered To	Issue Date	IRS Revoked EFIN
803788	K.B. co-owner of Tax Genius	10-21-11	3-1-12
805159	K.B. co-owner of Tax Genius	10-21-11	3-1-12
807123	K.B. co-owner of Tax Genius	10-21-11	3-1-12
808946	Anchondo Tax Service	10-19-12	

### **The Conspiracy and its Objects**

12. Beginning at least in about January 2011 and continuing until in or about April 2013, in the Dallas Division of the Northern District of Texas, defendants, **Jimmy Luis Briseno, Rene N. Barrera, Sr., Mike Cano, and Christopher Lee DeLeon**, did unlawfully, willfully, and knowingly conspire, combine, confederate, and agree with each other and with other persons known to the Grand Jury, to defraud the United States for the purpose of impeding, impairing, obstructing, and defeating the lawful Government functions of the Internal Revenue Service of the Treasury Department in the ascertainment, computation, assessment, and collection of revenue: to wit, income taxes.

### **Manner and Means of the Conspiracy**

13. It was a part of the conspiracy that defendants routinely prepared and caused to

be electronically filed with the IRS individual income tax returns that contained one or more of the following falsely inflated or fictitious items: false Forms Schedule C; false and fabricated Education Credits, and false items used to inflate and maximize the Earned Income Tax Credit (EITC) on the tax return. Defendants submitted false and fraudulent information and documents to the IRS with the intent to cause the IRS to pay refunds based on this false tax information.

14. It was a further part of the conspiracy that defendants caused taxpayer customer/clients to unknowingly file false tax returns by adding the false tax information to the returns without the taxpayers' knowledge or consent.

15. During the period from on or about January 1, 2011 through April 15, 2013, defendants used the four above-referenced EFIN's to file at least 36 fraudulent tax returns. These 36 false tax returns resulted in a total criminal tax loss of approximately \$229,449.

#### **Overt Acts in Furtherance of the Conspiracy**

16. In furtherance of the conspiracy and in order to effect its objects, the defendants and other conspirators committed and caused to be committed the overt acts alleged in Counts Two through Thirty-Seven, which the Grand Jury realleges and incorporates as if fully set forth herein.

In violation of 18 U.S.C. § 371.

Counts Two through Fourteen  
Aiding and Assisting in the Preparation and Presentation  
of False and Fraudulent Individual Income Tax Returns  
(Violations of 26 U.S.C. § 7206(2))

On or about the dates listed below, within the Northern District of Texas, defendant, **Jimmy Luis Briseno**, did willfully aid and assist in, and procure, counsel, and advise the preparation and presentation to the Internal Revenue Service, of U.S. Individual Income Tax Return, Forms 1040, either individual or joint, for the taxpayers and calendar years set forth below, each of which was false and fraudulent as to a material matter, in that they falsely represented that the taxpayers were entitled under the provisions of the Internal Revenue laws, to claim deductions and/or credits for items in the amounts hereinafter specified, whereas, the defendant then and there knew, the taxpayers were not entitled to claim the deductions and/or credits in the claimed amounts, which were falsely inflated or completely fictitious:

Count	Tax Return Date Filed	Taxpayer	Tax Year	False Item	Amount Claimed
2	1-19-11	M.P	2010	False Schedule C (Profit or Loss From Business)	\$ 13,948
3	1-22-11	K.R.	2010	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$7,704
				False Earned Income Tax Credit	\$1,230
4	2-9-12	B.E.	2011	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$37,291
				False Earned Income Tax Credit	\$2,332

Count	Tax Return Date Filed	Taxpayer	Year	False Item Claimed	Amount Claimed
5	2-3-12	R.L. & L.L.	2011	False Form 8863 (Education Credit), Line 1(c)	\$8,000
				False Schedule C (Profit or Loss From Business)	\$18,958
				False Earned Income Tax Credit	\$3,328
6	2-3-12	C.R.	2011	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$11,732
				False Earned Income Tax Credit	\$2,475
7	2-3-12	E.G.	2011	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$9,552
				False Earned Income Tax Credit	\$1,527
8	2-26-12	J.P. & S.P.	2011	Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$15,473
				False Earned Income Tax Credit	\$3,302
9	2-3-12	V.R.	2011	Form 8863 (Education Credit), Line 1(c)	\$8,000
				False Schedule C (Profit or Loss From Business)	\$22,064
				False Earned Income Tax Credit	\$5,154

Count	Tax Return Date Filed	Taxpayer	Year	False Item Claimed	Amount Claimed
10	2-8-12	Y.V.	2011	False Form 8863 (Education Credit), Line 1(c)	\$12,000
				False Schedule C (Profit or Loss From Business)	\$10,046
				False Earned Income Tax Credit	\$2,756
11	2-6-12	C.A.	2011	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$14,812
				False Earned Income Tax Credit	\$3,127
12	2-8-13	C.H.	2012	False Schedule C (Profit or Loss From Business)	\$24,117
				False Earned Income Tax Credit	\$46
13	2-12-13	D.T.	2012	False Schedule C (Profit or Loss From Business)	\$19,431
				False Earned Income Tax Credit	\$1,997
14	2-19-13	J.L.	2012	False Schedule C (Profit or Loss From Business)	\$14,805
				False Earned Income Tax Credit	\$3,325

Each in violation of 26 U.S.C. § 7206(2).



Counts Fifteen through Twenty-Two  
Aiding and Assisting in the Preparation and Presentation  
of False and Fraudulent Individual Income Tax Returns  
(Violations of 26 U.S.C. § 7206(2))

On or about the dates listed below, within the Northern District of Texas, defendant, **Rene N. Barrera, Sr.**, did willfully aid and assist in, and procure, counsel, and advise the preparation and presentation to the Internal Revenue Service, of U.S. Individual Income Tax Return, Forms 1040, either individual or joint, for the taxpayers and calendar years set forth below, each of which was false and fraudulent as to a material matter, in that they represented that the taxpayers were entitled under the provisions of the Internal Revenue laws, to claim deductions and/or credits for items in the amounts hereinafter specified, whereas, the defendant then and there knew the taxpayers were not entitled to claim the deductions and/or credits in the claimed amounts, which were falsely inflated or completely fictitious:

Count	Tax Return Date Filed	Taxpayer	Tax Year	False Item Claimed	Amount Claimed
15	3-7-11	M.S.	2010	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$27,078
				False Earned Income Tax Credit	\$82
16	1-27-11	B.S.	2010	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$43,328
				False Earned Income Tax Credit	\$457

Count	Tax Return Date Filed	Taxpayer	Tax Year	False Item Claimed	Amount Claimed
17	2-7-11	K.S.	2010	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$15,681
				False Earned Income Tax Credit	\$2,622
18	3-28-11	C.C.	2010	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Unreimbursed Employee Expense, Schedule A, Line 21	\$19,800
19	1-27-11	G.H.	2010	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$39,543
20	2-28-11	L.E.	2010	False Form 8863 (Education Credit), Line 1(c)	\$8,000
				False Schedule C (Profit or Loss From Business)	\$38,650
21	2-7-11	A.P.	2010	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$17,505
				False Earned Income Tax Credit	\$2,943
22	2-14-11	C.B.	2010	False Form 8863 (Education Credit), Line 1(c)	\$3,893
				False Schedule C (Profit or Loss From Business)	\$27,769

Each in violation of 26 U.S.C. § 7206(2).

Counts Twenty-Three through Twenty-Nine  
Aiding and Assisting in the Preparation and Presentation  
of False and Fraudulent Individual Income Tax Returns  
(Violations of 26 U.S.C. § 7206(2))

On or about the dates listed below, within the Northern District of Texas, defendant, **Mike Cano**, did willfully aid and assist in, and procure, counsel, and advise the preparation and presentation to the Internal Revenue Service, of U.S. Individual Income Tax Return, Forms 1040, either individual or joint, for the taxpayers and calendar years set forth below, each of which was false and fraudulent as to a material matter, in that they represented that the taxpayers were entitled under the provisions of the Internal Revenue laws, to claim deductions and/or credits for items in the amounts hereinafter specified, whereas, the defendant then and there knew the taxpayers were not entitled to claim the deductions and/or credits in the claimed amounts, which were falsely inflated or completely fictitious:

Count	Tax Return Date Filed	Taxpayer	Tax Year	False Item Claimed	Amount Claimed
23	2-11-12	P.C.	2011	False Schedule C (Profit or Loss From Business)	\$15,031
				False Earned Income Tax Credit	\$3,170
24	2-2-12	C.H.	2011	False Form 8863 (Education Credit), Line 1(c)	\$10,000
				False Schedule C (Profit or Loss From Business)	\$23,405
				False Earned Income Tax Credit	\$137
25	2-9-12	T.G. & D.G.	2011	False Schedule C (Profit or Loss From Business)	\$20,728
				False Earned Income Tax Credit	\$4,627

<b>Count</b>	<b>Tax Return Date Filed</b>	<b>Taxpayer</b>	<b>Tax Year</b>	<b>False Item Claimed</b>	<b>Amount Claimed</b>
26	2-11-12	J.J.	2011	False Schedule C (Profit or Loss From Business)	\$17,739
				False Earned Income Tax Credit	\$2,697
27	2-12-11	D.T.	2010	False Form 8863 (Education Credit), Line 1(c)	\$2,660
				False Schedule C (Profit or Loss From Business)	\$7,064
				False Earned Income Tax Credit	\$58
28	2-4-12	D.T.	2011	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$17,028
				False Earned Income Tax Credit	\$1,219
29	2-6-12	J.L.	2011	False Schedule C (Profit or Loss From Business)	\$15,619
				False Earned Income Tax Credit	\$3,296

Each in violation of 26 U.S.C. § 7206(2).

Counts Thirty through Thirty-Seven  
Aiding and Assisting in the Preparation and Presentation  
of False and Fraudulent Individual Income Tax Returns  
(Violations of 26 U.S.C. § 7206(2))

On or about the dates listed below, within the Northern District of Texas, defendant, **Christopher Lee DeLeon**, did willfully aid and assist in, and procure, counsel, and advise the preparation and presentation to the Internal Revenue Service, of U.S. Individual Income Tax Return, Forms 1040, either individual or joint, for the taxpayers and calendar years set forth below, each of which was false and fraudulent as to a material matter, in that they represented that the taxpayers were entitled under the provisions of the Internal Revenue laws, to claim deductions and/or credits for items in the amounts hereinafter specified, whereas, the defendant then and there knew the taxpayers were not entitled to claim the deductions and/or credits in the claimed amounts, which were falsely inflated or completely fictitious:

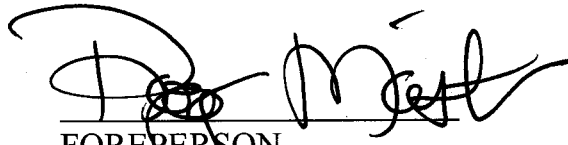
Count	Tax Return Date Filed	Taxpayer	Tax Year	False Item Claimed	Amount Claimed
30	2-6-12	A.M.	2011	False Schedule C (Profit or Loss From Business)	\$22,915
				False Earned Income Tax Credit	\$3,094
31	2-4-12	M.S.	2011	False Schedule C (Profit or Loss From Business)t	\$68,422
32	2-4-12	J.B. & R.B.	2011	False Schedule C (Profit or Loss From Business)	\$27,024
33	2-8-12	T.W. & B.W.	2011	False Form 8863 (Education Credit), Line 1(c)	\$8,000
				False Schedule C (Profit or Loss From Business)	\$40,714

Count	Tax Return Date Filed	Taxpayer	Tax Year	False Item Claimed	Amount Claimed
34	2-8-12	L.S.	2011	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$26,858
				False Earned Income Tax Credit	\$3,094
35	2-11-12	P.M.	2011	False Schedule C (Profit or Loss From Business)	\$23,537
				False Earned Income Tax Credit	\$3,094
36	2-11-12	D.F.	2011	False Schedule C (Profit or Loss From Business)	\$15,223
				False Earned Income Tax Credit	\$2,259
37	2-9-12	M.C.	2011	False Form 8863 (Education Credit), Line 1(c)	\$4,000
				False Schedule C (Profit or Loss From Business)	\$30,358
				False Earned Income Tax Credit	\$3,094

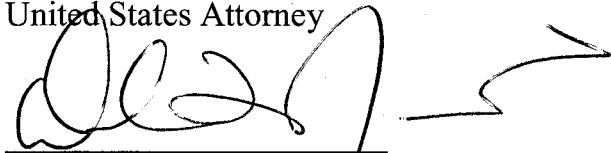
Each in violation of 26 U.S.C. § 7206(2).

**[REMAINDER OF PAGE BLANK, ONLY SIGNATURES FOLLOW]**

A TRUE BILL

  
\_\_\_\_\_  
FORERERSON

JOHN R. PARKER  
United States Attorney



DAVID L. JARVIS  
Assistant United States Attorney  
Texas State Bar No. 10585500  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214.659.8729  
Facsimile: 214.659.8812  
Email: david.jarvis@usdoj.gov

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

---

THE UNITED STATES OF AMERICA

v.

JIMMY LUIS BRISENO (01)  
RENE N. BARRERA, SR. (02)  
MIKE CANO (03)  
CHRISTOPHER LEE DELEON (04)

---

INDICTMENT  
18 USC § 371  
Conspiracy to Defraud the United States

26 USC § 7206(2)  
Aiding and Assisting in the Preparation and Presentation of False and Fraudulent  
Individual Income Tax Returns

37 Counts

---

A true bill rendered

DALLAS

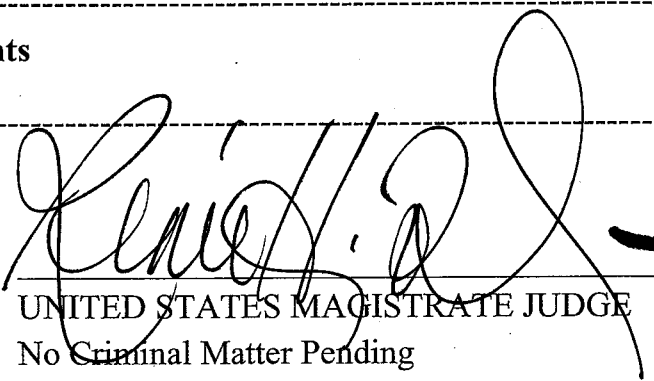
  
FOREPERSON

Filed in open court this 21st day of September, 2016.

---

**Warrant to be Issued for all Defendants**

---

  
UNITED STATES MAGISTRATE JUDGE  
No Criminal Matter Pending